REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application.

35 U.S.C. § 102

Claims 1-47 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,642,939 to Vallone et al. (hereinafter "Vallone"). Applicant respectfully submits that claims 1-47 are not anticipated by Vallone.

Vallone discloses:

A multimedia schedule presentation system provides a program guide area which is a list of the programs that are currently airing, was aired, or is scheduled. The program guide area is semi-transparent and overlays on the broadcast program material that the user is currently watching. The invention displays the program guide information in two different modes: two column or three column. The two column mode displays the available channels in a rotating endless list fashion in the left hand column and the programs for the highlighted channel in the right hand column. The current time period is shown above the left column on the screen and is easily changed by the user. Below the time display is the listing of the channels available to the user. Next to each channel number is the station ID and the title of the current program that is being aired. A description of the current highlighted program is displayed above the two columns. The right hand column displays a schedule of the programs for the particular channel, beginning at the time indicated above the left column. The program name and start time are displayed. The program list in the right hand column can be shown in two intuitive forms. One lists the start time of each program next to the program name in descending order from the most recent time to the latest time. The second continues the time intervals by listing each half, quarter hour, or selectable intervals with duration of the program indicated by an indicator extending from the program start time down to the program end time. The three column mode adds a higher level column to the left of the channel column and contains the sorting methods available to the user. The second column presents the available channels that correspond to the sorting method with the second and third columns consistent with that of the two-column method. Vallone Abstract.

Thus, the Vallone disclosure focuses on displaying program guides and program schedule information. The schedule presentation system described in Vallone does not disclose the elements of the claims in the present application.

Claim 1 of the present application, as amended, recites:

> A method comprising:
> receiving a broadcast data stream encoded using a first encoding format or a second encoding format;
> demultiplexing the received broadcast data stream while maintaining the encoding format of the broadcast data stream;
> storing the received broadcast data stream on a storage device in the encoded format; and
> time shifting the broadcast data stream.

The Office Action cites Fig. 1 of Vallone as well as Col. 5, lines 20-25 and Col. 8, lines 10-18 as support for receiving a broadcast data stream encoded using different encoding formats. See Office Action, page 2. Applicant submits that the cited portions of Vallone fail to disclose the elements of claim 1. In particular, Col. 5, lines 20-25 of Vallone discloses:

> The Input Section 101 tunes the channel to a particular program, extracts a specific MPEG program out of it, and feeds it to the rest of the system. Analog TV signals are encoded into a similar MPEG format using separate video and audio encoders, such that the remainder of the system is unaware of how the signal was obtained.

The cited text from Vallone discusses the use of a single encoding format (i.e., MPEG). This text fails to discuss the use of two different encoding formats as recited in claim 1.

Regarding Col. 8, lines 10-18, the cited text discloses:

> The parser 705 parses the input data stream from the MPEG encoder 703, audio encoder 704 and VBI decoder 702, or from the transport demultiplexor in the case of a digital TV stream. The parser 705 detects the beginning of all of the important events in a video or audio stream, the start of all of the frames, the start of sequence headers—all of the pieces of information that the program logic needs to know about in order to both properly play back and perform special effects on the stream, e.g. fast forward, reverse, play, pause, fast/slow play, indexing, and fast/slow reverse play.

The above text from the Vallone reference discusses operation of a parser 705. In particular, the cited text discloses that parser 705 parses a data stream from MPEG encoder 703. Thus, the text fails to disclose the use of two different encoding formats, as recited in claim 1. In contrast, Vallone discloses the use of a single encoding format (MPEG). Thus, the cited portions of Vallone fail to disclose the elements of claim 1. Accordingly, Applicant submits that the portions of Vallone cited in the Office Action as supporting the use of two different encoding formats fail to disclose the elements of claim 1 of the present application.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 1 is allowable over Vallone. Given that claims 2-11 depend from claim 1, Applicant respectfully submits that those claims are likewise allowable over Vallone for at least the reasons discussed above.

lee●hayes pllc   509-324-9256   14   Application No. 09/895,869

PAGE 17/22 * RCVD AT 8/26/2004 4:22:09 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID:509 323 8979 * DURATION (mm-ss):06-02

Claim 12 of the present application, as amended, recites:

> A method comprising:
> receiving a digital data stream in one of a plurality of different encoded formats;
> separating components of the digital data stream;
> storing the components of the digital data stream on a storage device, wherein the components are stored in the encoded format;
> receiving a command to play back the digital data stream;
> retrieving at least one of the stored components of the digital data stream from the storage device;
> decoding the retrieved component; and
> rendering the components of the digital data stream in a manner that corresponds to the received play back command.

As discussed above with respect to claim 1, the portions of Vallone cited in the Office Action fail to disclose the handling of data having different encoded formats. In particular, Vallone fails to disclose "receiving a digital data stream in one of a plurality of different encoded formats" as recited in amended claim 12.

Further, Applicant submits that Vallone fails to disclose "storing the components of the digital data stream on a storage device, wherein the components are stored in the encoded format" prior to "receiving a command to play back the digital data stream", as recited in claim 12. Thus, the method of claim 12 stores the components of the digital data stream and, at a later time, decodes the stored components after receiving a command to play back the digital data stream. Vallone fails to disclose this method of operation. For example, Fig. 7 of Vallone and the associated discussion of Fig. 7 (Col. 7 , line 66 through Col. 9, line 18) discloses a process that is different from the method of claim 12. For

example, the disclosure of Fig. 7 in Vallone fails to disclose storing encoded data and waiting to decode the stored data until a playback command is received.

Accordingly, Vallone fails to disclose the elements of claim 12. Thus, for at least these reasons, Applicant respectfully submits that claim 12 is allowable over Vallone. Given that claims 13-23 and 25-31 depend from claim 12, Applicant respectfully submits that those claims are likewise allowable over Vallone for at least the reasons discussed above.

Claim 32 of the present application, as amended, recites:

A method comprising:
receiving a broadcast data stream;
separating components of the broadcast data stream;
storing the components of the broadcast data stream on a storage device;
retrieving the components of the broadcast data stream from the storage device;
decoding the retrieved components;
rendering the components of the broadcast data stream; and
receiving a request to pause rendering of the broadcast data stream, in response to the pause request:
halting rendering of the broadcast data stream;
continuing to store the components of the broadcast data stream on the storage device.

As discussed above with respect to claim 12, Vallone fails to disclose "storing the components of the broadcast data stream on a storage device; retrieving the components of the broadcast data stream from the storage device" followed by "decoding the retrieved components", as recited in claim 32. As

discussed above, this method of operation is different from the procedure disclosed in Vallone.

Accordingly, Vallone fails to disclose the elements of claim 32. Thus, for at least these reasons, Applicant respectfully submits that claim 32 is allowable over Vallone. Given that claims 33-36 depend from claim 32, Applicant respectfully submits that those claims are likewise allowable over Vallone for at least the reasons discussed above.

Claim 37 of the present application, as amended, recites:

One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to:
separate the components of a broadcast data stream;
store the components of the broadcast data stream on a hard disk drive;
receive a request to play back the stored components of the broadcast data stream;
retrieve the stored components of the broadcast data stream from the hard disk drive;
decode the components of the broadcast stream; and
render the components of the broadcast stream.

The Vallone reference fails to disclose the elements of claim 37. As discussed above with respect to claim 12, Vallone fails to disclose a system that stores the components of a broadcast data stream on a hard disk drive and later decodes those components after receiving a request to play back the stored components of the broadcast data stream, as recited in amended claim 37.

Although Vallone discloses the processing of data, the Vallone reference fails to disclose a system that stores data and waits to decode the stored data until a playback request is received. Accordingly, Vallone fails to disclose the elements of claim 37. Thus, for at least these reasons, Applicant respectfully submits that claim 37 is allowable over Vallone. Given that claims 38-42 depend from claim 37, Applicant respectfully submits that those claims are likewise allowable over Vallone for at least the reasons discussed above.

Claim 43 of the present application, as amended, recites:

An apparatus comprising:
a capture module configured to capture a data stream, wherein the data stream may be represented in a plurality of different data formats, and wherein the data stream is encoded using an encoding format;
a data storage module configured to store the captured data stream in the encoded format; and
a rendering module configured to decode the data stream and to render the data stream from the data stored on the data storage module.

As discussed above with respect to claim 1, the portions of Vallone cited in the Office Action fail to disclose the handling of data having different encoded formats. In particular, Vallone fails to disclose "a capture module configured to capture a data stream, wherein the data stream may be represented in a plurality of different data formats", as recited in amended claim 43. As discussed above, Vallone discloses the use of a single encoding format (MPEG). In contrast, the elements of claim 43 recite the use of multiple different data formats.

Accordingly, Vallone fails to disclose the elements of claim 43. Thus, for at least these reasons, Applicant respectfully submits that claim 43 is allowable

over Vallone. Given that claims 44 and 46-47 depend from claim 43, Applicant respectfully submits that those claims are likewise allowable over Vallone for at least the reasons discussed above.

Applicant respectfully requests that the §102 rejections be withdrawn.

Conclusion

Claims 1-23, 25-44 and 46-47 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: ___8-26-04___   By: _____
                                  Steven R. Sponseller
                                  Reg. No. 39,384
                                  (509) 324-9256